UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,551	07/11/2003	Robert Baxter Chambers II	133519	4297

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EXAMINER
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ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
10/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 July 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _December 17, 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _July 11, 2003_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on July 11, 2003.

Claims 1-30 are presented for examination.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on July 11, 2003 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

4.   Claims 1-10 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential elements, such omission amounting to a gap between the elements. See MPEP

§ 2172.01. The omitted elements are: it is unclear how the communications between the network

module, the web server and database module and the ACM CPU are facilitated. It appears web

pages are being used to receive and transmit information between the units; however, it is not

being disclosed.

Claims 2-10 and 19 are dependent claims of claim 1, and thus rejected under the same

basis.

Claims 11-18, 20-24 and 25-30 are rejected under the same basis.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: there are no structural cooperative relationships of elements between the "at least one network module" and the "web server and database module" or the "ACM central processing unit".

Claims 2-10 and 19 are dependent claims of claim 1, and thus rejected under the same basis.

Claims 11-18, 20-24 and 25-30 are rejected under the same basis.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Klindt et al (US 6,853,867), hereinafter Klindt.

Regarding claims 1, 11, 20, 25-26 and 29, as shown in Figure 1, Klindt discloses a web-enabled automation control module (ACM) system, comprising:
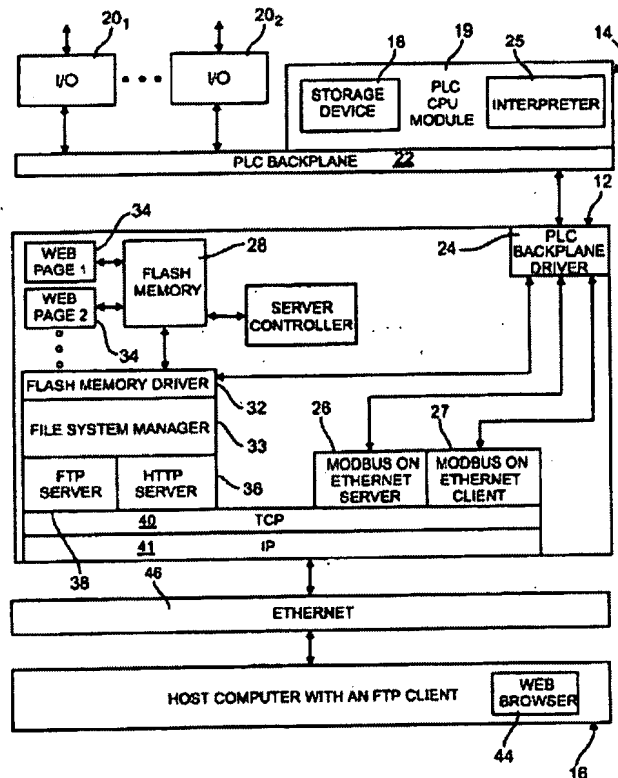
Fig. 1

at least one network module configured to receive a request for a file from a network

(computer 16 includes a network interface for facilitating connection to and data transfer through

computer network 46. Ordinarily process operation is monitored at lease by means of one or

more central management stations; col. 1: lines 37-48 and col. 7: lines 7-19);

a web server and database module located outside the network module and including a

database configured to store the file (server 12 provides web access to controller data, i.e.,

variables, system diagnostics, configuration information, I/O status, etc. through web browsers;

col. 4: lines 40-43); and

an ACM central processing unit configured to send ACM data to the web server and

database module to embed ACM data in the file (server 12 implements reading information from

PLC 14 and displaying it in HTML pages; col. 6: lines 9-14).

Regarding claims 2, 12 and 21, Klindt also discloses the web server and database module

comprises a web server configured to:

receive the request from the network module (a request for a web page is sent to HTTP

server 36; col. 6: lines 34-35);

obtain the file from the database to respond to the request (the server retrieves or

dynamically creates the appropriate page from the flash memory 28; col. 6: lines 35-37); and

send the file to the network module (transmit the page to the browser using HTTP; col. 6:

lines 37-38).

Regarding claims 3 and 13, Klindt also discloses computer 16 includes a network

interface for facilitating connection to and data transfer through the computer network 46 which

can be a local area network, the Internet, or an Internet-linked local network, thus inherently,

computer 16 is configured to receive the request from the network and transmit file to the

network (col. 7: lines 10-19).

Regarding claims 4-6, 8 and 17, Klindt also discloses the web server and database

module is electrically connected to the network module via an ACM backplane and the network

(see Figure 1).

Regarding claims 7 and 9, Klindt also discloses the web server and database module is located within the ACM CPU that is electrically coupled to an ACM backplane via an interface (see Figure 1).

Regarding claims 10 and 30, Klindt also discloses the network is an Ethernet network (col. 5: lines 49-55).

Regarding claims 14 and 27, Klindt also discloses sending the request from the network module to the web server of the web server and database module via an ACM backplane (the server 12 communicates with the host 16 over an Ethernet network 46. Accordingly, the server 12 provides both a MODBUS on Ethernet Server 26 and a MODBUS on Ethernet Client 27; col. 5: lines 51-55, see Figure 1).

Regarding claims 15 and 22, Klindt also discloses sending the request from the network module to the web server of the web server and database module via the network (the server 12 communicates with the host 16 over an Ethernet network 46. Accordingly, the server 12 provides both a MODBUS on Ethernet Server 26 and a MODBUS on Ethernet Client 27; Figure 1; col. 5: lines 51-55).

Regarding claims 16 and 23, Klindt also discloses sending the request from the network module to the web server and database module located within the ACM CPU (Figure 1; col. 5: lines 56-65).

Regarding claims 18 and 24, Klindt also discloses storing the file in the database of the web server and database module located within the ACM CPU (Figure 1; col. 5: lines 56-65).

Regarding claim 19, Klindt also sending the request for the file from an Ethernet network to the network module (col. 5: lines 49-55).

Regarding claim 28, Klindt also disclose retrieving at least one of a web page file, a document file, an e-mail file, an image file, an audio file, and a video file (e.g., simple pictorial and textual rendering or real time playing of audio and/or video segments or alarms, mechanical indications, printing, storage of data for subsequent display, etc., col. 3: lines 19-47).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

System and method for Providing Direct Web Access to Controllers in a Process Control Environment, Johnson (US 7,216,007);

Communication System for Automation Equipment Based on the WSDL Language, Stawikowski (US 7,159,007);

Web Function Blocks Capable of Exchanging HTTP Type of Messages in

Automation Equipment, Hardy et al (US 6,915,330);

Remote Data Access and System Control, Steen, III et al (US 6,510,350);

PLC Executive with Integrated Web Server, Lindner et al (US 6,640,140);

Automatic Control System, Nagai et al (US 6,405,099);

Virtual Tool Box for Use with Industrial Control System, Rudder et al (US

6,381,5020);

System for Management of Building Automation Systems through an HTML

Client Program, Gravlin (US 6,353,853).

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

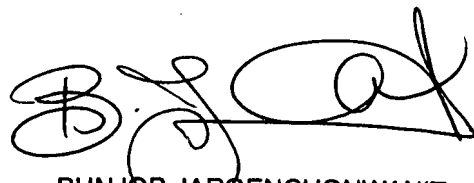The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

> Van Kim T. Nguyen
> Examiner
> Art Unit 2152

vkn

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

9/27/7